

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

**DIGITAL-VENDING SERVICES  
INTERNATIONAL, LLC,**

Plaintiff,

V.

**THE UNIVERSITY OF PHOENIX, INC.,  
APOLLO GROUP, INC., and  
CAPELLA EDUCATION COMPANY,**

## **Defendants.**

**Civil Action No.**

[Case pending in the U.S. District Court for  
The Eastern District of Virginia, Case No.  
2:09-cv-555]

**DVSI'S MOTION TO QUASH THIRD PARTY SUBPOENA OR, IN THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER**

Plaintiff Digital-Vending Services International, LLC ("DVSI"), by counsel,  
respectfully moves this Court to quash the third party subpoena *duces tecum* issued by  
Defendants or, in the alternative, to enter a protective order.

In support hereof, DWSI submits the attached Memorandum of Points and Authorities

WHEREFORE, DWSI respectfully requests that the Court quash Defendants' subpoena *duces tecum* or, in the alternative, enter a protective order preventing the production of materials sought by the subpoena. A proposed order is attached.

Dated: June 11, 2010

Respectfully submitted,

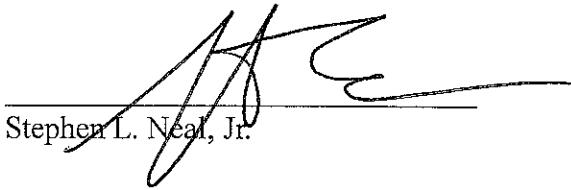
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**CERTIFICATE OF CONFERENCE**

In accordance with Local Rule 104(7), counsel for DWSI conferred with opposing counsel by teleconference on June 3, 2010, starting at approximately 12:35 EST, and was unable to resolve or narrow the issue in dispute. The participants were David Morris and Stephen L. Neal, Jr., counsel for DWSI; Doug Williams and Laura Borst, counsel for Capella Education Company; and Lauren Hoffer, counsel for The University of Phoenix and Apollo Group, Inc. Counsel for DWSI also consulted with Michael Nadel, counsel for Walden University, Inc., the recipient of the subpoena. The issue to be resolved by this Court is whether the requested confidential settlement materials are relevant or likely to lead to the discovery of admissible evidence.

  
Stephen L. Neal, Jr.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of June, 2010, I served a true and correct copy of the above via U.S. mail upon the following:

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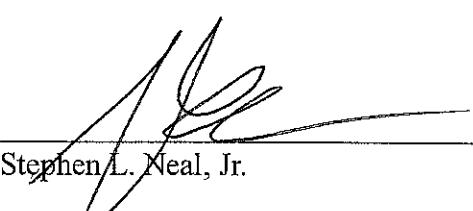
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